IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Dated: Nainital 23rd day of August 2003
Bail Application no. 492 of 2003
Order on the bail application of accused.

CRIMINAL SIDE
Burh Singh S/o Surjan Singh
R/o Village Pasaini, P.S. Nanakkmatta
District U.S.Nagar. ……Applicant.

Versus

State of Uttaranchal …..Opposite Party

Arising out case crime no. 254 of 2002
U/Ss 376, 323, 506, IPC & 3(12) SC ST Act.
Police Sation-Nanakmatta
District –U.S. Nagar.

By the court

Hon'ble Irshad Hussain, J.

Heard Sri S.K. Mandal learned counsel for the applicant-accused and leaned A.G.A.

According to the prosecution version it is a case of gang rape. However subsequently the prosecutrix named only one culprit who is the applicant-accused as the person who committed rape. Earlier final report was submitted after investigation in this case. The prosecutrix is a married lady and the statement of her husband indicate that there was some dispute with the accused party. Considering the totality and the circumstances of the case it is fit case for bail. The bail application is allowed.

The applicant-accused Burh Singh shall be released in crime No. 254/2002 U/Ss 376, 323, 506, IPC & Sec. 3(12) SC ST Act, P.S. Nanakmatta District U.S. Nagar on his executing personal bond and two sureties each in the like amount to the satisfaction of C.J.M. U.S. Nagar.

(Irshad Hussain, J.)

Dated: 23.08.2003:
ISB